

REGISTER

South Dakota Legislative Research Council



Volume 28

Monday, 8:00 a.m., December 24, 2001

A COPY OF EACH REGISTER IS FILED IN THE OFFICE OF THE SECRETARY OF STATE

NOTICES OF PROPOSED RULES: (The date in parentheses is the date the rules were filed in the Legislative Research Council)

Department of Social Services: (December 19, 2001) intends to adopt rules that will increase the cost outlier for the DRG (diagnosis-related groups) payment system; increase the per diem rate for services provided in a DRG-exempt psychiatric unit; and update the list of the diagnosis-related groups and the associated weights and lengths of stay. The general authority for these rules, as cited by the department, is SDCL 28-6-1.

A public hearing will be held in Conference Room #1, Kneip Office Building, 700 Governors Drive, Pierre, South Dakota, on Friday, January 11, 2002, at 1:15 p.m. Copies of the proposed rules may be obtained from and written comments sent to Jill Wellhouse, Administrative Rules, Department of Social Services, 700 Governors Drive, Pierre, South Dakota 57501. Written comments must be received by January 21, 2002, to be considered. This hearing is being held in a physically accessible place. Persons who have special needs for which the department can make arrangements are asked to call (605) 773-3305 at least forty-eight hours before the hearing.

Department of Agriculture: (December 20, 2001) is amending a rule to specify that packaged feeds are not subject to the restrictions of storage, handling, and distribution provided for in the rule. The general authority for this rules, as cited by the department, is SDCL 39-14-60.

A public hearing will be held at the Bureau of

Personnel Training Room, Foss Building, 523 East Capitol Avenue, Pierre, South Dakota, on Tuesday, January 15, 2002, at 11:00 a.m. Copies of the proposed rule may be obtained from and written comments sent to the South Dakota Department of Agriculture, Division of Agricultural Services, 523 East Capitol Avenue, Pierre, South Dakota 57501. The proposed rule is also available at the department's Internet site: www.state.sd.us/doa/das. Written comments must be received by January 15, 2002, to be considered. This hearing is being held in a physically accessible place. Persons who have special needs for which the department can make arrangements are asked to call (605) 773-4432 before the hearing.

FILINGS IN THE SECRETARY OF STATE'S OFFICE:

Administrative Rules:

DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES: BOARD OF WATER AND NATURAL RESOURCES:

74:05:07:01, 74:05:07:03, 74:05:07:04, 74:05:07:06, 74:05:07:07, 74:05:07:08, 74:05:07:10, 74:05:07:11, 74:05:07:12, 74:05:07:14, 74:05:07:15, 74:05:07:22, 74:05:07:24; 74:05:08:07, 74:05:08:11, 74:05:08:22; 74:05:10:04, 74:05:10:06, 74:05:10:07, 74:05:10:08, 74:05:10:09, 74:05:10:10, 74:05:10:11, 74:05:10:12.01, 74:05:10:12.02, 74:05:10:13, 74:05:10:14, 74:05:10:15, 74:05:10:19, 74:05:10:20, 74:05:10:23, 74:05:10:26, 74:05:10:27, 74:05:10:29; 74:05:11:01, 74:05:11:06, 74:05:11:09, 74:05:11:10, 74:05:11:12, 74:05:11:18, 74:05:11:18.01, and 74:05:11:23.

History-Notice: 28 SDR 61, October 22, 2001
 Hearing: November 9, 2001
 Filed: November 29, 2001
 Effective: December 19, 2001

Effective: December 30, 2001

DEPARTMENT OF SOCIAL SERVICES:
 67:16:14:06.01

DEPARTMENT OF SOCIAL SERVICES:

67:16:24:01, 67:16:24:02.01, 67:16:24:03,
 67:16:24:03.01, 67:16:24:04, 67:16:24:06,
 67:16:24:07; 67:40:07:02, 67:40:07:06,
 67:40:07:12, 67:40:18:16; 67:44:02:05,
 67:44:02:05.01, 67:44:02:11, 67:44:02:16,
 67:44:03:01, 67:44:03:02, 67:44:03:04,
 67:44:03:06, 67:44:03:08, 67:44:03:10,
 67:44:03:11, 67:44:03:15; and 67:45:01:04.

History-Notice: 28 SDR 39, Sept. 10, 2001
 Hearing: September 28, 2001
 Filed: December 10, 2001

History-Notice: 28 SDR 92, Dec. 17, 2001
 Hearing: N/A
 Filed: December 20, 2001
 Effective: January 1, 2002

Note: A copy of the rules may be obtained directly from the above agencies. Write to the agency at the address given under "Notices of Proposed Rules." There is no charge for proposed rules. The following agencies have permission from the Interim Rules Review Committee to charge for adopted rules: the Division of Insurance, the Cosmetology Commission, the State Board of Examiners in Optometry, the State Plumbing Commission, the Board of Nursing, the Department of Social Services, the State Electrical Commission, the South Dakota Board of Pharmacy, the Real Estate Commission, the Gaming Commission, the Department of Commerce and Regulation for commercial driver licensing, the Department of Labor for Article 47:03, and the Department of Revenue.

REMINDER OF HEARINGS SCHEDULED

12-27-2001	Commerce and Regulation: Division of Insurance	Allow lesser commissions on guaranteed issue policies, alter formula for exemption from issuance of guaranteed issue plans; 28 SDR 87.
12-28-2001	Commerce and Regulation: Appraiser Certification Program	Appraisers scope of practice, appraisers bound by competency rule, supervisors of state-registered appraisers must be licensed by department; update references, correct typos; 28 SDR 83.
1-2-2002	Social Services	Administrative review – lottery setoff, notice to absent parent before restricting issuance of license, registration, certification, or permit, certain distributions limited to parent, legal guardian, or caretaker relative, and interest on unpaid support obligation or arrearage; 28 SDR 87.
1-2-2002	Social Services	Child Care Services Program – overpayments, hearings, payments made pending hearing, recoveries; 28 SDR 87.
1-3-2002	Game, Fish and Parks	Spring wild turkey season, refuge boundaries on Lake Oahe, water zoning boundaries on Elm Lake and Helgeson Slough, use of spears and bow and arrows to take rough fish,

		person participating in religious ceremonies allowed to use certain vegetation; licensed deer hunters possess uncased firearms and bows during deer season; 28 SDR 91.
1-11-2002	Social Services	Update certain payment provisions for hospital services paid on behalf of individuals who are eligible for Medicaid; 28 SDR 95.
1-15-2002	Agriculture	Specify that packaged feeds are not subject to the same restrictions of storage, handling, and distribution as non-packaged feeds; 28 SDR 95.
1-17-2002	Agriculture	Residency requirement for financial programs; 28 SDR 91.
1-24-2002	Transportation	Speed zones on SD 45 in Platte; 28 SDR 91.

Rules Review Committee Meetings

The next meeting of the Interim Rules Review Committee will be held on Monday, January 7, 2002, at 1:30 p.m. in Room 413 of the State Capitol.

Agencies whose rules have had a public hearing will be scheduled to meet with the Rules Review Committee and are asked to have a representative present at the meeting to give background information on their rules. Each agency is requested to provide the LRC with eight copies of the most recent draft of its rules two days before the meeting.

Note: An updated version of the Administrative Rules Guide to Form and Style is now available at the LRC office and on the LRC web site.

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